

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAKOTA CLAY AHLGRIM,

Plaintiff,

v.

No. CIV 13-0229 MCA/WPL

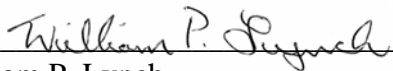
KENNETH SMITH,
INDIVIDUAL AND OFFICIAL CAPACITY,

Defendant.

ORDER

This matter is before the Court *sua sponte* under 28 U.S.C. § 1915(e)(2) and on Plaintiff's letters (Docs. 5, 6) regarding filing fee payments. Plaintiff asks to be excused from making payments. The request will be denied and he will be required to make an initial partial payment, as previously ordered. Financial documents attached to Plaintiff's IFP motion (Doc. 2) indicate deposits and substantial balances in his account just before filing. There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation. *See Shabazz v. Parsons*, 127 F.3d 1246, 1248-49 (10th Cir. 1997); *and see Baker v. Suthers*, 9 F. App'x 947, 949 (10th Cir. 2001) (affirming dismissal for failure to make initial partial payment or show cause for excusing the failure). Failure to comply with this Order may result in dismissal of the complaint.

IT IS THEREFORE ORDERED that the request in Plaintiff's letters (Doc. 5, 6) to excuse filing fee payments is DENIED, and within fourteen (14) days from entry of this order, Plaintiff must submit the previously ordered statutory initial partial payment of \$11.08.



William P. Lynch
United States Magistrate Judge